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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER HOLMES, MICHAEL B	
			ART UNIT	PAPER NUMBER
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			09/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/024,616

Applicant(s)

PEYRELEVADE, JEROME

Examiner

Michael B. Holmes

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-51 and 53-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

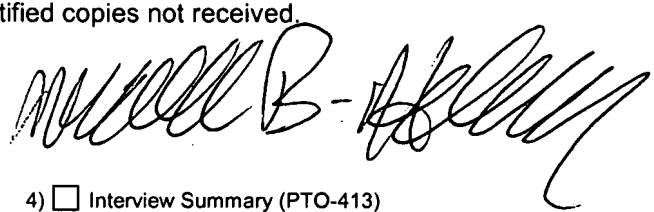
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____



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Examiner's Detailed Office Action

1. This Office Action is responsive to communication received on 07/05/2007.
2. Amendment under 37 CFR § 1.111 reconsideration and allowance of application is respectfully requested by applicant. Moreover, applicant's arguments have been fully considered, however, they are *not* persuasive.
3. The rejection under 35 USC § 101 of 03/07/2007 is withdrawn, and the rejection under 35 USC § 102(a) of 04/03/2007 & 03/07/2007 stands. The complete text of the rejection on 04/03/2007 has been included below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-16, 18-51 & 53-91 are rejected under 35 U.S.C. 102(a) as being anticipated by Maloney et al. (International Patent No. WO 01/18674 A2) previously cited in the Information Disclosure Statement.

Art Unit: 2121

Claim 1

Maloney et al. describes a method of providing beauty advice, the method comprising:

receiving user-specific information (page 6, last paragraph, lines 3-4);

accessing a data structure containing information reflecting relationships between categories

of user-specific information and beauty advice (page 6, last line), the information reflecting

relationships derived from at least one of consumer preferences and expert advice (page 7,

lines 3-11, data structure is disclosed as a decision tree), wherein the data structure includes

information characterizing a plurality of beauty products and information about suitability of

combining at least some of the plurality of beauty products with other of the plurality of beauty

products (page 12, lines last 10 lines, recommending additional products is based on the

feedback comprising aesthetic attributes. This implies at least the aesthetic suitability of said

products);

comparing, using an artificial intelligence engine, the received user-specific information with the

accessed data (page 9, lines 17-32, decision tree is updated by a neural network);

identifying, using the artificial intelligence engine, beauty advice determined by the artificial

intelligence engine to be related to the user-specific information (page 18, lines 4-5 from the

bottom, disclosed by providing to the consumer a list of recommended products based on the

customer profile); and

providing the identified beauty advice to the user (page 7, lines 13-14).

Claim 2

Maloney teaches the method of claim 1, wherein the user-specific information includes personal

information of at least one of skin type, skin tone, hair style, hair color, cosmetic color and

Art Unit: 2121

product preferences, allergy information, demographic information, climate information, lifestyle information, fashion preferences, prior purchases, prior expressed interest, and prior browsing patterns (page 6, last line through page 7, line 3).

Claim 3

Maloney teaches the method of claims 1 or 2, wherein the user-specific information includes an identification of at least one user-specified product (page 7, lines 21-25).

Claim 4

Maloney teaches the method of claim 1, wherein the artificial intelligence engine is based on at least one of a neural network, constraint program, fuzzy logic, classification, conventional artificial intelligence, symbolic manipulation, fuzzy set theory, evolutionary computation, cybernetics, data mining, approximate reasoning, derivative-free optimization, and soft computing (page 9, lines 17-32, disclosed as a neural network).

Claim 5

Maloney teaches the method of claim 1 conducted, at least in part, in a network environment, wherein receiving user-specific information occurs via a network and in at least one location remote from the user, and wherein providing occurs via the network (page 16, second paragraph, lines 1-4).

Claim 6

Maloney teaches the method of claim 1, wherein the data reflecting relationships is data about at least one of consumer preferences and expert advice (page 7, lines 3- 11, decision tree relates consumer profiles and either historical research models or a neural network output based on current experience, see page 9, lines 14-23).

Art Unit: 2121

Claim 7

Maloney teaches the method of claim 3, wherein the beauty advice includes a product recommendation, wherein during comparing the artificial intelligence engine process information relating to the at least one user-specified product, wherein during identifying the artificial intelligence engine identities at least one product complementary to the at least one user-specified product, and wherein during providing, the user is advised of the at least one identified complementary product (page 18, lines 3-9, disclosed by providing additional customized products based on the consumer profile).

Claim 8

Maloney teaches the method of claim 7, wherein both the at least one user-specified product and the at least one identified complementary product are Cosmetic products (page 8, lines 2-7, disclosed as cosmetic products and their supplements).

Claim 9

Maloney teaches the method of claim 7, wherein only one of the user-specified product and the identified complementary product is a cosmetic product (page 8, lines 2-7, there can be one or more supplements, wherein a supplement is not necessarily a cosmetic product).

Claim 10

Maloney teaches the method of claim 7, wherein the user-specified product is a cosmetic product and the identified complementary product is at least one of an apparel product and an accessory product (page 8, lines 2-7, accessory products are disclosed as supplementary).

Art Unit: 2121

Claim 11

Maloney teaches the method of claim 7, wherein the identified complementary product is a cosmetic product and the user-specified product is at least one of an apparel product and an accessory product (page 12, last 9 lines, additional products are recommended according to the consumer profile, wherein the profile can include any number of items from cosmetic and/or apparel categories (see page 7, lines 13-16)).

Claim 12

Maloney teaches the method of claim 3, wherein the user-specified product is at least two products, and wherein during identifying, the artificial intelligence engine identifies at least one product complementary to a combination of the at least two user- selected products (page 12, last 9 lines, additional products are recommended according to the consumer profile, wherein the profile can include one or more products (see page 7, lines 13-16)).

Claim 13

Maloney teaches the method of claim 1, wherein the information reflecting relationships is derived by surveying at least one of consumer preferences and consumer habits (page 9, lines 1-6).

Claim 14

Maloney teaches the method of claim 7, further comprising offering the user an opportunity to purchase the at least one user-specified product and the at least one complementary product (page 10, lines 11-16).

Claim 15

Maloney teaches the method of claim 7, wherein the at least one user-specified product has an associated aesthetic characteristic, and wherein the artificial intelligence engine is configured to identify at least one product with an aesthetic characteristic complementary to the aesthetic characteristic of the user-specified product (page 12, last 10 lines, feedback comprises aesthetic attributes, it is preferred to be done by the decision tree AI).

Claim 16

Maloney teaches the method of claim 7, further comprising providing the user with an option to indicate an interest in purchasing the at least one user-specified product, and wherein notifying the user of the at least one complementary product occurs before the user completes a purchase of the at least one user-specified product (page 18, last 6 lines, where customization includes adding one or more supplemental products (see page 10, second paragraph)).

Claim 17 (cancelled)

Claim 18

Maloney teaches the method of claim 17, wherein information characterizing a plurality of beauty products includes information about cosmetic color (page 8, lines 1- 3).

Claim 19

Maloney teaches the method of claim 17, wherein information characterizing a plurality of beauty products includes information about inter-beauty product compatibility (page 12, last 10 lines, recommending additional products .is based on the feedback comprising aesthetic attributes. This implies at least the aesthetic inter-beauty suitability of said products).

Art Unit: 2121

Claim 20

Maloney teaches the method of claim 17, wherein receiving user-specific information includes receiving from the user a selection of a combination of at least two of the plurality of beauty-products, wherein suitability of combining information is maintained on less than a universe of all combinations of the plurality of beauty products (page 9, lines 5-9, suitability of combining is maintained in a consumer profile, it is defined by psychological, physiological and attitudinal preferences), and wherein when an individual selects a combination of beauty products for which suitability of combining information is not directly maintained, the artificial intelligence engine, during identifying, identifies a product likely to be complementary to the user-selected combination (page 9, lines 14-23; disclosed by forming initial category profiles, using decision trees).

Claim 21

Maloney teaches a method of identifying a combination of complementary beauty products, the method comprising:

maintaining information characterizing a plurality of beauty products (page 8, lines 1-6);

maintaining information about suitability of use of at least some of the plurality of beauty products with other of the plurality of beauty products (page 9, lines 5-9, suitability of use is maintained by being a part of the consumer profile, it is defined by psychological, physiological and attitudinal preferences);

receiving from a user a selection of at least two of the plurality of beauty products (consumer profile category contains a plurality of products (page. 7, lines 13-14), the profiling category is determined based on the information provided by the user (page 7, lines 3-6));

Art Unit: 2121

processing, using the artificial intelligence engine, information characterizing the at least two selected beauty products and suitability of use information to thereby identify at least one additional product, complementary to a combination of the at least two selected products (page 9, lines 15-23; disclosed using a neural network to assign to consumer additional profile subcategories which correspond to specific product categories); and notifying the user of the at least one additional product (page 7, lines 13-14).

Claim 22

Maloney teaches the method of claim 21; further comprising maintaining personal information about the user (page 6, last paragraph, lines 3-4), and wherein during processing, the artificial intelligence engine uses at least some of the personal information (page 9, lines 17-32), information characterizing the at least two of the plurality of beauty products selected by the user, and at least some of the maintained suitability of use information (consumer profile category contains a plurality of products (page 7, lines 13-14), the profiling category is determined based on the information provided by the user (page 7, lines 3-6). Thus, products are characterized as suitable by being assigned to the consumer profiling category).

Claim 23

Maloney teaches the method of claim 21 conducted, at least in part, in a network environment, wherein receiving the user selection occurs via a network and in at least one location remote from the user, and wherein notifying occurs via the network (page 16, second paragraph, lines 1-4).

Art Unit: 2121

Claim 24

Maloney teaches a method of identifying complementary products, the method comprising: receiving from a user a selection of at least one user-specified product (page 7, lines 18-19); accessing through an artificial intelligence search engine characterizations of a plurality of products (page 9, lines 15-23; disclosed AI is a "search engine" since its function comprises finding information based on its given characteristics); accessing through the artificial intelligence search engine, information about relationships between at least some of the plurality of products (page 7, lines 6-11); identifying, by the artificial intelligence engine, at least one recommended product complementary to the at least one user-specified product using at least the information about product relationships (page 9, lines 15-23; disclosed using a neural network to assign to consumer additional profile subcategories which correspond to specific product categories); and notifying the user of the at least one recommended complementary product (page 7, lines 13-14).

Claim 25

Maloney teaches the method of claim 24 conducted, at least in part, in a network environment, wherein receiving the user selection occurs via a network in at least one location remote from the user, and wherein notifying occurs via the network (page 16, second paragraph, lines 1-4).

Claim 26

Maloney teaches the method of claim 24, wherein both the at least one user-specified product and the at least one recommended complementary product are cosmetic products (page 8, lines 2-7, disclosed as cosmetic products and their supplements).

Art Unit: 2121

Claim 27

Maloney teaches the method of claim 24, wherein only one of the user-specified product and the at least one recommended complementary product is a cosmetic product (page 8, lines 2-7, there can be one or more supplements, wherein a Supplement is not necessarily a cosmetic product).

Claim 28

Maloney teaches the method of claim 24, wherein the at least one user-specified product is a cosmetic product and the at least one recommended complementary product is at least one of an apparel product and an accessory product (page 8, lines 2- 7, accessory products are disclosed as supplementary).

Claim 29

Maloney teaches the method of claim 24, wherein the at least one recommended complementary product is a cosmetic product and the user-specified product is at least one of an apparel product and an accessory product (page 12, last 9 lines, additional products are recommended according to the consumer profile, wherein the profile can include any number of items from cosmetic and/or apparel Categories (see page 7, lines 13-16)).

Claim 30

Maloney teaches the method of claim 24, wherein the user-specified product is at least two products, and wherein during identifying, the artificial intelligence engine identifies at least one product complementary to a combination of the at least two user- specified products (page 12, last 9 lines, additional products are recommended according to the consumer profile, wherein the profile can include one or more products (see page 7, lines 13-16)).

Art Unit: 2121

Claim 31

Maloney teaches the method of claim 24, wherein the information about relationships is obtained by surveying at least one of consumer preferences and consumer habits (page 9, lines 1-6).

Claim 32

Maloney teaches the method of claim 24, further comprising offering the user an opportunity to purchase the at least one user-specified product and the at least one recommended complementary product (page 10, lines 11-16).

Claim 33

Maloney teaches the method of claim 24, wherein the at least one user-specified product has an associated aesthetic characteristic, and wherein the artificial intelligence engine is configured to identify at least one product with an aesthetic characteristic complementary to the aesthetic characteristic of the user-specified product (page 12, last 10 lines, feedback comprises aesthetic attributes, it is preferred to be done by the decision tree AI).

Claim 34

Maloney teaches the method of claim 24, further comprising providing the user with an option to indicate an interest in purchasing the at least one user-specified product, and wherein notifying the user of the at least one recommended complementary product occurs before the user completes a purchase of the at least one user-specified product. (page 18, last 6 lines, where customization includes adding one or more supplemental products (see page 10, second paragraph)).

Art Unit: 2121

Claim 35

Maloney teaches the method of claim 34, wherein the characterizations of a plurality of products include characterizations of a plurality of cosmetic and non- cosmetic products, and wherein the information about relationships includes information about relationships between at least some of the plurality of cosmetic and non-cosmetic products (page 7, lines 11-17, products are related by being assigned to the same consumer profile, where products can be cosmetic or non-cosmetic, such as beauty care products, clothing, electronics, etc.).

Claim 36

A system for providing beauty advice, the system comprising:
a data structure containing information reflecting relationships between categories of user-specific information and beauty advice (page 6, last line), the information reflecting relationships derived from at least one of consumer preferences and expert advice (page 7, lines 3-11, data structure is disclosed as a decision tree), wherein the data structure includes information characterizing a plurality of beauty products and information about suitability of combining at least some of the plurality of beauty products with other of the plurality of beauty products (page 12, lines last 10 lines, recommending additional products is based on the feedback comprising aesthetic attributes. This implies at least the aesthetic suitability of said products);
an artificial intelligence engine, configured to receive and process the information reflecting relationships and user-specific information, to thereby identify beauty advice determined by the artificial intelligence engine to be related to the user-specific information (page 18, lines 4-5 from the bottom, disclosed by providing to the consumer a list of recommending products based on the consumer profile); and

Art Unit: 2121

an interface for conveying the identified beauty advice to the user (page 7, lines 17-21).

Claim 37

Maloney teaches the system of claim 36, wherein the user-specific information includes personal information of at least one of skin type, skin tone, hair style, hair color, cosmetic color and product preferences, allergy information, demographic information, climate information, lifestyle information, fashion preferences, prior purchases, prior expressed interest, and prior browsing patterns (page 6, last line through page 7, line 3).

Claim 38

Maloney teaches the system of claims 36 or 37, wherein the user-specific information includes an identification of at least one user-specified product (page 7, lines 21-25).

Claim 39

Maloney teaches the system of claim 36, wherein the artificial intelligence engine is based on at least one of a neural network, constraint program, fuzzy logic, classification, conventional artificial intelligence, symbolic manipulation, fuzzy set theory, evolutionary computation, cybernetics, data mining, approximate reasoning, derivative-free optimization, and soft computing (page 9, lines 17-32, disclosed as a neural network).

Claim 40

Maloney teaches the system of claim 36, wherein the interface is a network interface configured to receive user-specific information via a network and in at least one location remote from the user, and to transmit the beauty advice to a user located remote from the artificial intelligence engine (page 16, second paragraph, lines 1-4).

Art Unit: 2121

Claim 41

Maloney teaches the system of claim 36, wherein the information reflecting relationships includes data about at least one of consumer preferences and expert advice (page 7, lines 3-11, decision tree relates consumer profiles and either historical research models or a neural network output based on Current experience, see page 9, lines 14-23).

Claim 42

Maloney teaches the system of claim 36, wherein the beauty advice includes a product recommendation, wherein the user-specific information includes at least one user-specified product, wherein during identifying the artificial intelligence engine identifies at least one product complementary to the at least one user-specified product, and wherein during conveying, the user is advised of the at least one complementary product (page 18, lines 3-9, disclosed by providing additional customized products based on the consumer profile).

Claim 43

Maloney teaches the system claim 42, wherein both the at least one user-specified product and the at least one identified complementary product are cosmetic products (page 8, lines 2-7, disclosed as cosmetic products and their supplements).

Claim 44

Maloney teaches the system of claim 42, wherein only one of the at least one user-specified product and the at least one identified complementary product is a cosmetic product (page 8, lines 2-7, there can be one or more supplements, wherein a supplement is not necessarily a cosmetic product).

Art Unit: 2121

Claim 45

Maloney teaches the system of claim 42, wherein the at least one user-specified product is a cosmetic product and the at least one identified complementary product is at least one of an apparel product and an accessory product (page 8, lines 2-7, accessory products are disclosed as supplementary).

Claim 46

Maloney teaches the system of claim 42, wherein the at least one identified complementary product is a cosmetic product and the at least one user-specified product is at least one of an apparel product and an accessory product (page 12, last 9 lines, additional products are recommended according to the consumer profile, wherein the profile can include any number of items from cosmetic and/or apparel categories (see page 7, lines 13-16)).

Claim 47

Maloney teaches the system of claim 42, wherein the at least one user-specified product is at least two products, and wherein during identifying, the artificial intelligence engine identifies at least one product complementary to a combination of the at least two user-selected products (page 12, last 9 lines, additional products are recommended according to the consumer profile, wherein the profile can include one or more products (see page 7, lines 13-16)).

Claim 48

Maloney teaches the system of claim 36, wherein the information reflecting relationships is derived by surveying at least one of consumer preferences and consumer habits (page 9, lines 1-6).

Claim 49

Maloney teaches the system of claim 42, further comprising a purchase engine for offering the user an opportunity to purchase the at least one user-specified product and the at least one complementary product (page 10, lines 11-16).

Claim 50

Maloney teaches the method of claim 42, further comprising a purchase engine for providing the user with an option to indicate an interest in purchasing the at least one user-specified product, and wherein the purchase engine notifies the user of the at least one complementary product before the user completes a purchase of the at least one user-specified product (page 18, last 6 lines, where customization includes adding one or more supplemental products (see page 10, second paragraph)).

Claim 51

Maloney teaches the system of claim 42, wherein the at least one user-specified product has an associated aesthetic characteristic, and wherein the artificial intelligence engine is configured to identify at least one product with an aesthetic characteristic complementary to the aesthetic characteristic of the user-specified product (page 12, last 10 lines, feedback comprises aesthetic attributes, it is preferred to be done by the decision tree AI).

Claim 52 (cancelled)**Claim 53**

Maloney teaches the system of claim 52, wherein information characterizing a plurality of beauty products includes information about cosmetic color (page 8, lines 1- 3).

Art Unit: 2121

Claim 54

Maloney teaches the system of claim 52, wherein information characterizing a plurality of beauty products includes information about inter-beauty product compatibility (page 12, last 10 lines, recommending additional products is based on the feedback comprising aesthetic attributes.

This implies at least the aesthetic inter-beauty suitability of said products).

Claim 55

Maloney teaches the system of claim 52, wherein the user-specific information includes a user selection of a combination of at least two of the plurality of beauty products, wherein information about relationships is information on less than a universe of all combinations of the plurality of beauty products (page 9, lines 5-9, suitability of combining is maintained in a consumer profile, it is defined by psychological, physiological and attitudinal preferences), and wherein, when an individual selects a combination of beauty products for which suitability of combining information is directly not maintained, the artificial intelligence engine is configured to identify a product likely to be complementary to the user-selected combination (page 9, lines-14-23; disclosed by forming initial category profiles, using decision trees).

Claim 56

Maloney teaches a system for identifying a product complementary to a selected product, the system comprising:

an interface for receiving from a user a selection of at least one of a plurality of products (page 7, lines 13-14), the profiling category is determined based on the information provided by the user (page 7, lines 3-6));

at least one location for storing information characterizing the plurality of products (page 9, last

Art Unit: 2121

paragraph);

at least one location for storing information about suitability of using at least one of the plurality of products with at least one other of the plurality of products (page 9, lines 5-9, suitability of use is maintained by being a part of the consumer profile, it is defined by psychological, physiological and attitudinal preferences);

at least one location for storing personal information about a user (page 6, last paragraph, lines 3-4); and

an artificial intelligence engine configured to process information reflective of the at least one user-selected product, at least some of the characterizing information, at least some of the suitability information, and at least some of the personal information, and to identify therefrom at least one product complementary to the at least one user-selected product (page 9, lines 15-23; disclosed using a neural network to assign to consumer additional profile subcategories which correspond to specific product categories).

Claim 57

Maloney teaches the system of claim 56, wherein the artificial intelligence engine is based on at least one of a neural network, constraint program, fuzzy logic, classification, conventional artificial intelligence, symbolic manipulation, fuzzy set theory, evolutionary computation, cybernetics, data mining, approximate reasoning, derivative-free optimization, and soft computing (page 9, lines 17-32, disclosed as a neural network).

Claim 58

Maloney teaches the system of claim 56, wherein the interface is configured to receive from the user a selection of at least two products, and wherein the artificial intelligence engine is

Art Unit: 2121

configured to identify at least one product complementary to the at least two selected products (page 12, last 9 lines, additional products are recommended according to the consumer profile, wherein the profile can include one or more products (see page 7, lines 13-16)).

Claim 59

Maloney teaches the system of claim 56, wherein the information about suitability of using is based on a survey of consumers (page 9, lines 1-6).

Claim 60

Maloney teaches the system of claim 56, wherein the information about suitability of using is based on expert advice (page 7, lines 3-11, decision tree relates consumer profiles and either historical research models or a neural network output based on current experience, see page 9, lines 14-23).

Claim 61

Maloney teaches the system of claim 56, further comprising a purchase engine for offering the user an opportunity to purchase the at least one selected product and the at least one complementary product (page 10, lines 11-16).

Claim 62

Maloney teaches the system of claim 56, wherein the at least one product selected by the user has an associated aesthetic characteristic, and wherein the artificial intelligence engine is configured to identify at least one product with an aesthetic characteristic complementary to the aesthetic characteristic of the at least one selected product (page 12, last 10 lines, feedback comprises aesthetic attributes, it is preferred to be done by the decision tree AI).

Art Unit: 2121

Claim 63

Maloney teaches the system of claim 56, wherein the at least one product selected by the user and the at least one complementary product are each chosen from at least one of cosmetics, apparel, and accessories (page 8, lines 2-7, accessory products are disclosed as supplementary).

Claim 64

Maloney teaches the system of claim 56, wherein the user interface is configured to receive from the user an indication of interest in purchasing the at least one product, and as a conduit for notifying the user of the complementary product before the user completes a purchase of the at least one selected product (page 18, last 6 lines, where customization includes adding one or more supplemental products (see page 10, second paragraph)).

Claim 65

Maloney teaches the system of claim 56, wherein the user selection of at least one product is a cosmetic, and wherein the at least one complementary product is a cosmetic product that aesthetically and physically complements the at least one selected product (page 12, lines 7-10 from the bottom).

Claim 66

Maloney teaches the system of claim 56, wherein the user selection of at least one product is a beauty product chosen from at least one of tangible merchandise, services, diagnostics, beauty regimen, and advice (page 7, lines 15-17).

Claim 67

Maloney teaches the system of claim 56, wherein personal information includes information relating to at least one of prior product selection, physical characteristics, and a user preference

Art Unit: 2121

(page 10, lines 1-8).

Claim 68

Maloney teaches the system of claim 56, wherein the personal information includes a prior product selection by the user, wherein the artificial intelligence engine is configured to process the prior product selection, and wherein during providing, a product recommendation is presented to the user (page 12, lines 3-7 from the bottom).

Claim 69

Maloney teaches a method of identifying complementary products, the method ~comprising:
receiving subject-specific information (page 6, last paragraph, lines 3-4);
using the subject-specific information to identify a first product (page 10, lines 2-5);
accessing through artificial intelligence search engine characterizations of a plurality of products (page 9, lines 15-23; disclosed AI is a "search engine" since its function comprises finding information based on its given characteristics);
accessing through the artificial intelligence search engine information about relationships between at least some of the plurality of products (page 7, lines 6-11);
identifying, by the artificial intelligence engine, a second recommended product complementary to the first product based on at least the information about relationships (page 9, lines 15-23; disclosed using a neural network to assign to consumer additional profile subcategories which correspond to Specific product categories); and
notifying the user of the second recommended complementary product (page 7, lines 13-14).

Art Unit: 2121

Claim 70

Maloney teaches a method of recommending at least one complementary beauty product, the method comprising:

causing at least one query to be presented to a subject (page 21, lines 5-10);

selecting a first beauty product based on the subject's response to the query (page 20, second paragraph, lines 1-2);

enabling a display of a simulation of the first beauty product applied on a facial image (page 20, last 8 lines);

enabling the subject to indicate whether the first beauty product is acceptable, wherein when the first product is indicated as being acceptable, the method further comprises selecting at least one second beauty product complementary to the first beauty product based on information reflecting a relationship between the first beauty product and the second beauty product (page 18, lines 4-9); and

enabling a display of a simulation of the first and second beauty products applied on the facial image (page 20, last 8 lines).

Claim 71

Maloney teaches the method of claim 70, wherein the first beauty product is chosen from a category of beauty products pre-selected by the subject (page 7, lines 21-25).

Claim 72

Maloney teaches the method of claim 71, wherein the category of beauty products is at least one of mascaras, eye shadows, eye liners, foundations, concealers, blushes, lip sticks, lip glosses, liners, hair treatments, and hair-colorings (page 7, lines 23-25).

Art Unit: 2121

Claim 73

Maloney teaches the method of claim 70, wherein the query prompts the subject to select at least one of a type of lifestyle and a type of look (page 10, lines 2-4).

Claim 74

Maloney teaches the method of claim 70, wherein when the first product is indicated as being unacceptable, the method further comprises selecting an alternative first beauty product and enabling a display of a simulation of the alternative first beauty product applied on the facial image (page 21, last paragraph, selecting an alternative product is disclosed by further customization, and in particular, changing product specifications enabling a display is disclosed on page 20, last 8 lines).

Claim 75

Maloney teaches the method of claim 74, further comprising selecting at least one alternative second beauty product complementary to the alternative first beauty product (page 18, lines 4-9; the disclosure is not different for alternative products) and enabling a display of a simulation of the alternative first and the alternative second beauty products applied on the facial image (page 20, last 8 lines).

Claim 76

Maloney teaches the method of claim 74, further comprising enabling the subject to indicate whether the alternative first beauty product is acceptable (page 18, lines 4- 9).

Claim 77

Maloney teaches the method of claim 70, wherein enabling the subject to indicate whether the first beauty product is acceptable includes prompting the subject to indicate whether the subject

believes the first beauty product has an acceptable appearance (page 20, last paragraph,; the consumer interacts with the user interface through a microphone; the user interface will help define the consumer preferred look).

Claim 78

Maloney teaches the method of claim 70, wherein the first and second beauty products are complementary by virtue of at least one of aesthetic quality and brand name (page 20, last 6 lines, products are complementary by being necessary to achieve a desired look).

Claim 79

Maloney teaches the method of claim 70, wherein the simulation of the first beauty product applied on the facial image is replaced on a display by a simulation of the first and second beauty products applied on the facial image (page 20, last paragraph, disclosed is an interactive interface enabling consumer to display any combination of products applied to an image).

Claim 80

Maloney teaches the method of claim 70, wherein the simulation of the first beauty product applied on the facial image is displayed adjacent a display of the simulation of the first and second beauty products applied on the facial image (Disclosed interface is implemented as a web page (page 16, paragraph 2, lines 1-3). It is inherent for all major web browsers to allow users to open multiple windows. Such ability implies letting the consumer to open two or more simulated product windows and placing them adjacent to each other).

Claim 81

Maloney teaches the method of claim 70, further comprising enabling the subject to indicate whether the second beauty product is acceptable, wherein when the second product is indicated

as being unacceptable, the method further comprises selecting at least one alternative second beauty product complementary with the first beauty product and enabling a display of a simulation of the first beauty product and the alternative second beauty product applied on the facial image (page 20, last paragraph, disclosed is an interactive interface enabling consumer to display any combination of products applied to an image).

Claim 82

Maloney teaches the method of claim 70, further comprising enabling the subject to receive information informing the subject about purchasing at least one of the first beauty product and the second beauty product (page 21, last paragraph).

Claim 83

Maloney teaches the method of claim 70, wherein the facial image is a facial image of the subject (page 20, lines 6-8 from the bottom).

Claim 84

Maloney teaches the method of claim 70, further comprising enabling the subject to alter the facial image based on a self-evaluation of the subject's face (page 20, last 5 lines).

Claim 85

Maloney teaches the method of claim 70, Wherein selecting the second beauty product further comprises identifying the second beauty product using an artificial intelligence engine (page 9, lines 15-23, disclosed using a neural network to assign to consumer additional profile subcategories which correspond to specific product categories).

Art Unit: 2121

Claim 86

Maloney teaches the method of claim 85, wherein the artificial intelligence engine is based on at least one of a neural network, a constraint program, fuzzy logic, classification, symbolic manipulation, fuzzy set theory, evolutionary computation, cybernetics, data mining, approximate reasoning, derivative-free optimization, and soft computing (page 9, lines 17-32).

Claim 87

Maloney teaches the method of claim 21, wherein processing comprises: determining whether suitability of use information is maintained for the at least two selected beauty products (page 9, lines 5-9, suitability of combining is maintained in a consumer profile, it is defined by psychological, physiological and attitudinal preferences. Accessing a consumer profile inherently implies determining if suitability is maintained);

when suitability of use information is maintained,, processing information characterizing the at least two selected beauty products and the suitability of use information to thereby identify at least one additional product complementary to a combination of the at least two selected products (page 12, last 10 lines, recommending additional products is based on the feedback comprising aesthetic attributes. This implies at least the aesthetic suitability of said products); and when suitability of use information is not maintained, determining at least one additional product complementary to a combination of the at least two selected products using information characterizing the at least two selected beauty products and an artificial intelligence process (page 9, lines 14-23, disclosed by forming initial category profiles, using decision trees).

Art Unit: 2121

Claim 88

Maloney teaches the method of claim 21, wherein maintaining information about suitability of use comprises:

maintaining information about suitability of use of at least some of the plurality of beauty products with other of the plurality of beauty products, the information about suitability of use being derived from experts (page 7, lines 3-11, decision tree relates consumer profiles and either historical research models or a neural network output based on current experience, see page 9, lines 14-23).

Claim 89

Maloney teaches the method of claim 21, wherein maintaining information about suitability of use comprises:

maintaining information about suitability of use of at least some of the plurality of beauty products with other of the plurality of beauty products, the information about suitability of use being derived from artificial intelligence (page 9, lines 17-23).

Claim 90

Maloney teaches the method of claim 24, wherein accessing information about relationships comprises:

accessing through the artificial intelligence search engine information about relationships between at least some of the plurality of products, the information about relationships derived from experts (page 7, lines 3-11, decision tree relates consumer profiles and either historical research models or a neural network output based on current experience, see page 9, lines 14-23).

Art Unit: 2121

Claim 91

Maloney teaches the method of claim 24, wherein identifying at least one recommended product complementary to the at least one user-specified product comprises:

identifying, by the artificial intelligence engine, at least one recommended product that is complementary to the at least one user-specified product and that is compatible with the user in at least one of a physical, physiological, biological, and aesthetic aspect, using at least the information about product relationships (page 12, last 10 lines, feedback comprises aesthetic attributes, it is preferred by the decision tree AI).

Response to Argument(s)

6. Applicant argues:

Maloney et al. does not teach or suggest accessing a data structure that includes information about suitability of combining at least some beauty products with other beauty products, as recited in claim 1. The Examiner asserts that Maloney “implies ... the aesthetic suitability of said products.” Office Action mailed April 3, 2006, p. 8. Although Applicant does not necessarily agree with the Examiner's characterization of *Maloney et al.*, even assuming arguendo that *Maloney et al.* teaches aesthetic suitability of a product, *Maloney et al.* does not teach or suggest “information about suitability of combining ...,” as recited in claim 1. For at least this reason, *Maloney et al.* does not teach or suggest each and every feature recited in claim 1. Thus, *Maloney et al.* fails to anticipate claim 1.

Examiner respectfully disagrees:

data structure n. An organizational scheme, such as a record or array, that can be applied to

Art Unit: 2121

data to facilitate interpreting the data or performing operations on it. Examiner contends a decision trees certain qualifies under this definition. Moreover, examiner interprets the text on page 12, lines 27-35 as describing “information about suitability of combining ... ,” as recited in claim 1. Finally, examiner contends *Maloney et al.* describes claims 21, 24, 36, 56, and 70 for at least reasons similar to those given above with respect to claim 1.

Examiners Summary

7. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Correspondence Information

9. Any inquires concerning this communication or earlier communications from the examiner should be directed to Michael B. Holmes, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-3686 or facsimile transmission (571) 273-3686 or email michael.holmesb@uspto.gov.

Art Unit: 2121

If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, Anthony Knight, may be reached at (571) 272-3687.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

Finally, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Moreover, status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) toll-free @ 1-866-217-9197.

Michael B. Holmes

Patent Examiner

Artificial Intelligence

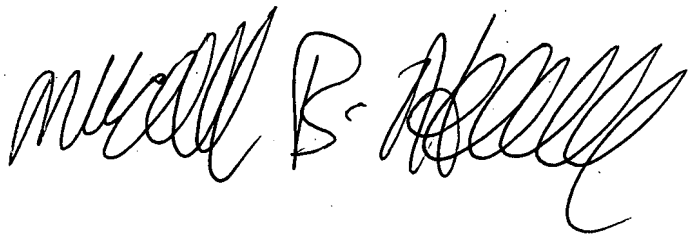
Art Unit 2121

United States Department of Commerce

Patent & Trademark Office

Saturday, September 08, 2007

MBH

A handwritten signature in black ink, appearing to read "Michael B. Holmes", with a stylized, cursive flourish at the end.